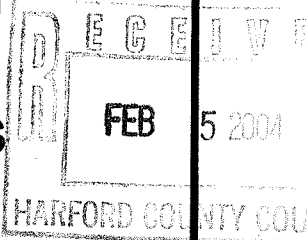


STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014



Case No. 5402  
Date Filed 2-4-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$650<sup>00</sup>

Shaded Areas for Office Use Only

Type of Application	CASE 5402 MAP 59 TYPE Special Exception and Variance
<input type="checkbox"/> Administrative Decision/Interpretation	<b>ELECTION DISTRICT 6 LOCATION</b> 624 Country Club Road, Havre de Grace, Md. 21078
<input checked="" type="checkbox"/> <b>Special Exception</b>	<b>BY</b> Chun N. Liu
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Change/Extension of Non-Conforming Use	<b>Appealed because</b> a Special Exception pursuant to Section 267-53F(8) of the Harford County Code
<input type="checkbox"/> Minor Area Variance	to allow a Personal Care Boarding Home and a variance pursuant to Section 267-20A(1) to allow a use
<input type="checkbox"/> Area Variance	in a non-conforming building to be changed to a use of a greater intensity in a R1 District requires
<input type="checkbox"/> Variance from Requirements of the Code	approval by the Board.
<input type="checkbox"/> Zoning Map/Drafting Correction	

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

443-807-0239

Name Chun N. Liu Phone Number \_\_\_\_\_  
Address 624 Country Club Rd. Havre de Grace, MD 21078  
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 624 Country Club Rd.  
Harre de Grace, MD 21078

Subdivision Oakington Manor Lot Number 27

Acreage/Lot Size 0.5 acres Election District 6th Zoning R1

Tax Map No. 0059 Grid No. 0001E Parcel 0170 Water/Sewer: Private ✓ Public \_\_\_\_\_

List ALL structures on property and current use: residential use including one detached storage shed and one detached storage trailer.

Estimated time required to present case: 1 hr

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? none

Is this property located within the County's Chesapeake Bay Critical Area? Yes ✓ No \_\_\_\_\_

If so, what is the Critical Area Land Use designations: R1 LDA

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ✓

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No ✓

## Request

To use the property as a residential home as well as a personal care boarding home. Side yard set back 12'-0"

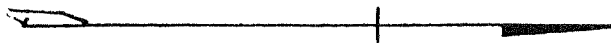
## Justification

Our children have grown up and left home for independent living.  
We own a large home with 5 bedrooms and a large mortgage to pay.  
home

As a tradition, we care very much about senior citizens and have a great love for them. In Harford County, we see a great need of senior citizens for personal care. We like to open our home and our time

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

to provide them, Meanwhile to help ourself in paying mortgage.  
We intend to take no more than 5 persons, so that the house as looks  
as residential as it is now.



N03°38'W 43.67' / N26°06'W 60.88'

LOT #27  
17/92

OAKINGTON MANOR  
BLOCK #4

N86°11'47"E 203.83'

N86°11'47"E 226.80'

grass & swamp

grass

2.5' gravel

WOOD DECK

20' CONK DRIVE

ALUM SHED

25TY BRICK  
#624  
siding

27.8'

21.5'

14.6'

19.1'

12'

3.4'

3.2'

13.5'

5.9'

12.2'

7.0'

NOTE:  
40.0' MIN.  
BLDG. SETBACK

S03°48'13"E 100.00'

COUNTRY CLUB RD.

(50.0' R/W)

36.0' STREET

THE INFORMATION ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED HEREON ARE CONTAINED WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED AND IS NOT TO BE CONSTRUED AS ESTABLISHMENT OF PROPERTY LINES.

**CASSELL**  
**E**NGINEERING  
inc

1015 Trichling Brook Road  
Cockeysville, Maryland 21030  
(301) 628-1950

*J. Robert [Signature]*

HOUSE LOCATION SURVEY

624 COUNTRY CLUB ROAD  
LIBER 1103 FOLIO 626  
HARFORD COUNTY, MD

Date:  
12/21/83

Signed: *Je*  
/RHC

Scale: 1" = 40'  
File: 117-

**JAMES M. HARKINS**

HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**

DIRECTOR OF ADMINISTRATION



**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

### **Department of Planning and Zoning**

February 23, 2004

#### **STAFF REPORT**

#### **BOARD OF APPEALS CASE NO. 5402**

APPLICANT/OWNER: Chun Liu  
624 Country Club Road, Havre de Grace, Maryland 21078

REPRESENTATIVE: Applicant

LOCATION: 624 Country Club Road/Oakington Manor  
Tax Map: 59 / Grid: 1E / Parcel: 0170 / Lot: 27  
Election District: Six (6<sup>th</sup>)

ACREAGE: 0.5 acres

ZONING: R1/Urban Residential District/LDA/Limited Development Areas

DATE FILED: February 12, 2004

HEARING DATE: March 24, 2004

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

##### Request:

"To use the property as a residential home as well as a personal care boarding home. Side yard setback 12'-0".

##### Justification:

"Our children have grown up and left home for independent living. We own a large home with 5 bedrooms and have a large mortgage to pay.

*~ Preserving our values, protecting our future ~*

## STAFF REPORT

Board of Appeals Case Number 5402

Chun Liu

Page 2 of 7

As a tradition, we care very much about senior citizens and have a great love for them. In Harford County, we see a great need of senior citizens for personal care. We like to open our home and our time to provide them, meanwhile to help ourself in paying mortgage. We intend to take no more than 5 persons, so that the house looks as residential as it is now.”

### **CODE REQUIREMENTS:**

The Applicant is requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a personal care boarding home and a variance pursuant to Section 267-20A(1) to allow a use in a non-conforming building to be changed to a use of a greater intensity in an R1/Urban Residential District.

Section 267-53F(8) of the Harford County Code reads:

- (8) *Personal Care Boarding Homes. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*
  - (a) *The proposed use shall be located in a single-family detached dwelling.*
  - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
  - (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
  - (d) *Adequate off-street parking shall be provided.*
  - (e) *Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.*

Section 267-20A(1) of the Harford County Code reads:

- (1) *If no structural alterations are made, a nonconforming use of a building may be changed to similar or more-restricted use of the same or lesser intensity.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

*Section 267-9I of the Harford County Code will be discussed in detail later in the report.*

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The subject property is located in the southeast area of the County. The subject lot is part of the Oakington subdivision and is situated on the west side of Country Club Road across from the Swan Creek Golf Club. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 2 and 3).

## STAFF REPORT

Board of Appeals Case Number 5402

Chun Liu

Page 3 of 7

This area of the County is located within the Development Envelope. Land use designations in the area include Low Intensity, High Intensity and Industrial/Employment along Pulaski Highway (US Route 40). The Natural Features Map reflects the Chesapeake Bay Critical Area, parks, stream buffer systems and habitats of local significance. The subject property is designated as Low Intensity and is within the Chesapeake Bay Critical Area (LDA), which are defined by the 1996 Master Plan as:

**Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

**Chesapeake Bay Critical Area** – Areas generally within 1,000 feet of tidal waters and tidal wetlands, including expansion areas necessary for the protection of identified sensitive natural features and natural habitat protection areas.

**Limited Development Areas** – Areas where land use intensity is moderate and some natural habitat still occurs. Low and Medium intensity development will continue to occur here.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The predominant land use is agriculture. Residential development is mainly single-family dwellings. There is a private golf course located across Country Club Road from the property. The topography of the area is generally flat to gently sloping (Attachment 6). Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The Applicant's lot is part of the Oakington Manor subdivision. There is a strip of single-family dwellings that back up to Swan Creek. The subject lot is rectangular in shape with gently sloping topography from the road back to the rear of the lot. The property sits approximately 20-feet± above Swan Creek and the surrounding marsh. Improvements consist of a brick and frame two-story dwelling with an attached two-car garage, concrete driveway, a small deck and ramp on the rear of the dwelling, a frame attached shed on the right rear corner of the dwelling and a small construction office trailer on blocks used as a storage building (Attachment 8). The lot contains mature trees and shrubbery. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

## STAFF REPORT

Board of Appeals Case Number 5402

Chun Liu

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### Zoning:

Most of the Oakington peninsula is zoned AG/Agricultural. The Oakington Manor subdivision is zoned R1/Urban Residential District. Enclosed with the report is a copy of the Zoning Map (Attachment 11).

### **SUMMARY:**

The Applicant is requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to allow a personal care boarding home and a variance pursuant to Section 267-20A(1) to allow a use in a non-conforming building to be changed to a use of a greater intensity in an R1/Urban Residential District.

### Section 267-53F(8):

- (9) *Personal-care boarding homes. These uses may be granted in the AG, RR, R, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*

The Applicant's property is zoned R1/Urban Residential District.

- (a) *The proposed use shall be located in a single-family detached dwelling.*

The Applicant owns a five bedroom, two-story dwelling at 624 Country Club Park Road. They presently reside in the dwelling and will to continue to do so if the request is granted.

- (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*

The lot meets the minimum requirements for a single-family lot located in the R1/Urban Residential District; however, the dwelling was not properly located when originally constructed. The Code requires a minimum of 15-feet, with a total of 35-feet side yard setback. While the Applicant can meet the total of 35-feet (39.8-feet total existing), the dwelling only has 12-feet on the right side. The Applicant is requesting a variance to use the existing non-conforming structure for the personal care boarding home.

- (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*

The subject lot is 0.51± acre in size or approximately 22,346 square feet. Based on 2,000 square feet per boarder, the site could support 11 boarders. The Applicant has requested a total of five boarders.

## STAFF REPORT

Board of Appeals Case Number 5402

Chun Liu

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(d) *Adequate off-street parking shall be provided.*

Based on the number of proposed boarders, the Applicant would need to provide a minimum of three paved parking spaces in addition to the number of vehicles owned by the Applicant. There is a two-car garage attached to the residence that can be used by the Applicant. The additional three spaces must be located on the Applicant's lot. There is adequate room on the property to provide the additional spaces.

(e) *Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable to the request.

### Section 267-9I:

(1) *The number of persons living or working in the immediate area.*

The subject property is located in the southern end of the County between the towns of Aberdeen and Havre de Grace in an area known as Oakington. This overall area of the County contains a mix of residential, commercial, light industrial, warehousing and service uses. The immediate area contains mainly single-family residences, active agricultural activities, a large County-owned park, the Ashley drug and alcohol rehabilitation facility and a private golf club. Personal care boarding homes are important to any community and have become more common over the years.

(2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The use of the property to board five individuals should not have an impact on the roads in the area.

(3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

The scale of the proposed facility is consistent with the neighborhood. There should be no fiscal impact on the County.

(4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not have an adverse impact regarding the above issues.



- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Aberdeen and Havre de Grace Volunteer Fire Departments will generally provide fire and emergency protection to the site. The Applicant is on a private well and septic which will require approval by the Health Department. The Applicant is required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposed use will have no impact on the issues mentioned above.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The request will not impact environmental features in this area. There are no additional structures being proposed.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

Section 267-20A(1):

- (1) *If no structural alterations are made, a nonconforming use of a building may be changed to a similar or more-restricted use of the same or lesser intensity.*

The Code requires a minimum of 15-feet and a total of 35-feet side yard setback in an R1/Urban Residential District. The dwelling presently has 12-feet on the right side and 27.8-feet on the left side for a total of 39.8-feet, therefore the dwelling is non-conforming to the side yard setback. The change of use to allow for a personal care boarding home will have no impact regarding the side yard setback. There are existing trees and shrubbery along this side property line. The

STAFF REPORT

Board of Appeals Case Number 5402

Chun Liu

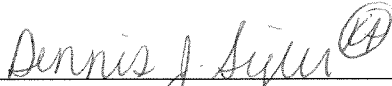
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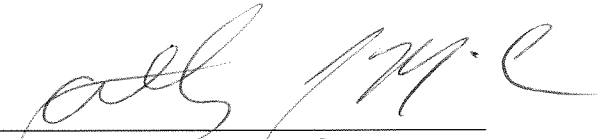
dwelling was constructed at this location in July, 1978 and the setback was never discovered until the Applicant's recent request.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends to the Hearing Examiner that the request for a personal care boarding home at this location be approved subject to the following conditions:

1. The Applicant shall submit a detailed site plan for review and approval through the Development Advisory Committee. The plan shall include three additional parking spaces.
2. The parking area shall be paved.
3. The Applicant shall be limited to only five boarders at this location.
4. This approval is for the Applicant's use only and shall become void when the property is transferred.

  
\_\_\_\_\_  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
\_\_\_\_\_  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka